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1 Mr. Villareal. The chair recognizes Mr. Villareal.

2 MR. VILLAREAL: Mr. Speaker, members, this
3 amendment says if you follow the new law, show up with
4 proper ID, but an election judge still sends you away,
5 then there's a penalty, an increased penalty. Instead of
6 a Class B, it's a Class A misdemeanor.

7 SPEAKER: The chair recognizes Ms. Brown.

8 MS. BROWN: Mr. Speaker, members, I have
9 worked a lot of elections and I know -- I have a lot of
10 friends that worked elections and they are conscientious
11 people who work all day long, long hours for very little
12 money and they go through training. We have added
13 additional training today with this bill so that they know
14 what they're doing and can interpret the law fairly.

15 I cannot in any -- in good conscience raise
16 a penalty for them making a mistake to a Class A
17 misdemeanor, meaning jail time. So, I move that we table
18 this amendment.

19 MR. CASTRO: Will the gentle lady yield for
20 a question?

21 SPEAKER: Ms. Brown, do you yield?

22 MS. BROWN: Yes, I'll yield.

23 MR. CASTRO: Representative Brown,
24 Representative Villareal's amendment would raise the
25 penalty from a Class C misdemeanor to the highest level of

1 misdemeanor, Class A misdemeanor --

2 MS. BROWN: Which is jail time.

3 MR. CASTRO: Well, no. It could still be
4 probation. Don't you agree that we are generally raising
5 the stakes when it comes to voting by passing this bill?
6 We're trying to prevent voter fraud; is that right?

7 MS. BROWN: Absolutely. We're trying to
8 increase the integrity of the voting process by increasing
9 people's confidence in that process so that they want to
10 participate.

11 MR. CASTRO: Absolutely. And I hear you.
12 I think you've also heard some concern from folks about
13 voter supression; is that right?

14 MS. BROWN: I've heard some people be
15 concerned about that, yes.

16 MR. CASTRO: All right. Now, you want to
17 protect the integrity of the voting process that when
18 somebody goes to vote, it's not just the voter who is part
19 of the voting process. You agree with that, don't you?

20 MS. BROWN: Yes.

21 MR. CASTRO: It also includes the election
22 judge and the poll workers; is that right?

23 MS. BROWN: That's right.

24 MR. CASTRO: So, for the process to have
25 integrity, those folks have to know what they are doing

1 and they also have to have integrity; is that right?

2 MS. BROWN: That's right.

3 MR. CASTRO: So, if somebody intentionally
4 disenfranchises a voter, you still don't think that they
5 should be subject to something more than a Class B
6 misdemeanor?

7 MS. BROWN: I think there is already a
8 penalty there and I think that that serves its purpose and
9 it's just fine. I will not be part of raising the penalty
10 on these people that we have extremely hard time finding
11 someone who is actually a contribution they make, being
12 able to give that full day from 7:00 to 7:00, 12 hours,
13 and it's not an easy job and they come into the process --
14 these people come because they want to make a contribution
15 to the process. They don't come to be reimbursed with a
16 large amount of money. It really just pays their expenses
17 for getting there and back. I'm not going to accept the
18 amendment. I'm sorry.

19 MR. CASTRO: A lot of people who go to vote
20 are not paid -- people that go to vote aren't paid any
21 money either, and many of them make a big sacrifice to go
22 vote.

23 MS. BROWN: Yes.

24 MR. CASTRO: Do you agree with that?

25 MS. BROWN: Yes, and I think that the

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1 people I know are happy to do it because they realize the
2 value of casting a vote in a free world.

3 MR. CASTRO: You don't think that because
4 we made it -- we're making it tougher to vote after today.
5 Do you agree with that?

6 MS. BROWN: Not necessarily.

7 MR. CASTRO: We're placing more
8 requirements -- that's the purpose of this bill, to place
9 more requirements --

10 MS. BROWN: Asking them to simply bring
11 with them a photo ID?

12 MR. CASTRO: Since we're making it tougher,
13 don't you think we should make it tougher on people who
14 might disenfranchise the voters coming to the polls?

15 MS. BROWN: I'm sorry. I can't go there
16 with you.

17 SPEAKER: Mr. Bohac, for what purpose?

18 MR. BOHAC: Are you aware that a Class A
19 misdemeanor is up to a 4,000-dollar fine and two years in
20 jail?

21 MS. BROWN: Yes, I am. Now I am. Thank
22 you. I move to table.

23 SPEAKER: Chair recognizes Mr. Villareal.

24 MR. VILLAREAL: I believe that if there's
25 going to be a higher standard to go vote, there should be

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1 a higher standard, higher penalty for turning away a
2 voter, and it seems like this amendment would try to bring
3 balance in making sure that not only do we have valid
4 voters showing up but we ensure access to voters.

5 So, members, I ask that you vote with me
6 and vote "no" against the motion to table.

7 SPEAKER: Members, Mr. Villareal sends up
8 an amendment. Ms. Brown moves to table. All those in
9 favor, vote aye. All opposed, vote no. It's a record
10 vote. The clerk will ring the bell. Show Ms. Brown
11 voting aye. Show Mr. Villareal voting no. Have all
12 voted? There being 78 ayes, 69 nays, one person not
13 voting, the motion to table prevails.

14 The chair recognizes Ms. Davis on motion to
15 reconsider.

16 MS. DAVIS: Thank you, Mr. Speaker and
17 members. I would like to move to reconsider Amendment
18 No. 17.

19 SPEAKER: Members, you've heard the motion.
20 Any objection? Chair hears none.

21 MS. DAVIS: Mr. Speaker, I would like to
22 withdraw that amendment.

23 SPEAKER: The amendment is withdrawn.
24 Following amendment. The clerk will read the amendment.

25 CLERK: Amendment by Davis of Dallas.

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1 SPEAKER: Chair recognizes Ms. Davis.

2 MS. DAVIS: Thank you. Mr. Speaker,
3 members, this is an amendment we did earlier and we
4 basically took out the language that referenced whether or
5 not it would be printed in English and Spanish. I left it
6 to the jurisdiction whatever is acceptable in terms of the
7 notices that are required by federal or state law. This
8 basically just clears that up so that we're not
9 establishing anything new, just making sure that it
10 complies with the federal laws. I think it's acceptable
11 to the author.

12 SPEAKER: Members, Ms. Davis sends up the
13 amendment. The amendment is acceptable to the author. Is
14 there objection? The chairs hears none. The amendment is
15 adopted.

16 The following amendment. The clerk will
17 read the amendment.

18 CLERK: Amendment by Strama.

19 SPEAKER: The chair recognizes Mr. Strama.

20 MR. STRAMA: Thank you, Mr. Chairman. If
21 you want to mention, this is the last amendment, that
22 might -- thank you. I had to bring that good news to the
23 body.

24 This amendment, I believe, gets the
25 proponents of this bill where they're trying to go, to

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1 reduce voter fraud with minimal consequences for
2 law-abiding Texans.

3 So, what this amendment does is eliminates
4 the requirement for a photo ID but instead creates an
5 election integrity task force in every district attorney's
6 office in the State of Texas.

7 MR. BERMAN: Mr. Speaker?

8 SPEAKER: For what purpose?

9 MR. BERMAN: Mr. Speaker, I raise a point
10 of order against further consideration of Representative
11 Strama's amendment in that it violates House Rule 11,
12 Sections 2 and 3.

13 SPEAKER: Bring your point of order down
14 front. Point of order is withdrawn. Chair recognizes
15 Mr. Strama.

16 MR. STRAMA: I just want to make it clear,
17 the point of order was about the germane-ness and this is
18 germane to the bill because I'm trying to accomplish the
19 same thing the proponents of the bill are trying to
20 accomplish. I'm trying to deal without interfering with
21 the right to vote on law-abiding Texans. So, let me
22 quickly walk you through what the amendment does.

23 The first thing it does is it creates an
24 election integrity task force in every district attorney's
25 office in the state for the purpose of prosecuting voter

1 fraud of the nature that this bill is intended to prevent.

2 The second thing that the bill does is
3 require the Secretary of State's, the chief elections
4 official of the State of Texas, to conduct trainings
5 across the state for election administrators, law
6 enforcement personnel, and district attorneys to train
7 them in detecting and prosecuting voter fraud of the
8 nature that this bill is attempting to prevent.

9 And the third thing that the bill does is
10 require every county election administrator to conduct a
11 post-election integrity audit and any evidence they find
12 of suspicious behavior that might be the type of voter
13 fraud that this bill is intended to prevent must be
14 referred for prosecution.

15 The point, members, is that the shortest
16 distance between two points is a straight line. And the
17 straight line between preventing people from breaking the
18 law by impersonating someone they are not is to enforce
19 that law against those law breakers rather than erect
20 barriers to -- to voter participation from law-abiding
21 Texans.

22 That's what the amendment does. It deletes
23 the requirement for photo ID and replaces it with a
24 tough-armed voter fraud law enforcement approach in order
25 to minimize the unintended consequences for law-abiding

1 Texans and, frankly, to maximize the effect that we can
2 have on reducing voter fraud. And, Mr. Anchia, I'll get
3 with you in a minute. I want to read you-all something
4 about requiring ID as a way of securing elections or
5 anything else.

6 I had the privilege when I was in the
7 private sector working on elections security
8 professionally to testify before a Commission of the
9 National Science Foundation appointed by the president to
10 study whether it was possible to conduct internet voting
11 without opening it up to massive voter fraud. And one of
12 the folks who served on that commission who I got to know
13 a little bit is a technology security specialist named
14 Bruce Schneider who writes a lot -- publishes a lot about
15 security, and he published an article that I just want to
16 read an excerpt from as it relate to the effectiveness of
17 photo ID.

18 He says, "Everywhere it seems someone is
19 checking IDs. The ostensible reason is that ID checks
20 make us all safer, but it's just not so. In most cases,
21 identification has very little to do with security.
22 First, verifying that someone has a photo ID is a
23 completely useless security measure. All the September
24 11th terrorists had photo IDs. Some of the IDs were real,
25 some were fake. Some were real IDs and fake names bought

1 from a crooked DMV employee in Virginia for a thousand
2 dollars each. Fake driver's licenses for all 50 states
3 good enough to fool anyone who isn't paying close
4 attention are available on the internet. If you don't
5 want to buy IDs on-line, just ask any teenager where to
6 get a fake ID."

7 Members, there are ways to prevent the type
8 of voter fraud that this bill intends to prevent, and none
9 of them require photo ID at the polls nor, in fact, by the
10 logic of one of the most brilliant technology security
11 specialists in the country, nor does requiring photo ID at
12 the polls actually reduce voter fraud. Prosecuting
13 violations of the law, which my amendment does, is the way
14 to prevent voter fraud. And if the problem is as rampant
15 as it has been suggested by the proponents of this bill,
16 then we ought to all be very concerned about prosecutors
17 not prosecuting this offense and we ought to all support
18 this amendment. As Representative Brown said in early
19 discussion today, prosecutors, she said, have not made
20 prosecution of this crime a high enough priority.

21 Members, if securing the integrity of our
22 democracy is not a high enough priority for prosecutors in
23 this state, we can make it so with this amendment.

24 I will yield to Representative Anchia.

25 MR. ANCHIA: Mr. Speaker?

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1 SPEAKER: Mr. Anchia, for what purpose?

2 MR. ANCHIA: Will the gentleman yield?

3 SPEAKER: Mr. Strama, do you yield?

4 MR. STRAMA: Yes.

5 MR. ANCHIA: Mr. Strama, let me see if I
6 understand the intent of your bill correctly. If, in
7 fact, a case of voter impersonation were to occur, what
8 does your bill do to HB218 to make sure that that voter
9 impersonation would be dealt with?

10 MR. STRAMA: A, it requires prosecutors
11 have a task force trained in identifying and prosecuting
12 voter impersonation. B, it requires the Secretary of
13 State's office to conduct trainings for election officials
14 and prosecutors to identify and detect and prosecute those
15 offenses and, C, it requires election officials to conduct
16 a post-election integrity audit to identify and refer for
17 prosecution any suspected cases of voter impersonation.

18 MR. ANCHIA: Now, Representative Brown
19 about four hours -- maybe five hours ago during the
20 additional layout of the bill -- suggested this was an
21 enforcement problem but there were problems with enforcing
22 this. Isn't that what your amendment gets at?

23 MR. STRAMA: I believe if we enforce the
24 law against the law breakers, we do not have to put up
25 artificial barriers that affect the voting rights of

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1 law-abiding Texans.

2 MR. ANCHIA: I suspect some people are
3 going to come and ask you about how much money this costs
4 or whether there's a fiscal note associated with this.
5 Can you speak to that issue?

6 MR. STRAMA: The first response I would
7 have is what price democracy? The second response I would
8 have is that this bill puts a burden on law-abiding
9 Texans. Rather, we should put the burden on the state
10 whose job it is to secure the integrity of elections.

11 MR. ANCHIA: So, in other words, the burden
12 falls not on the individual in the exercise of individual
13 liberties as guaranteed under the Constitution but rather
14 on the proponents of this bill, on the state, who are
15 seeking to regulate essentially civil liberties at this
16 point and trying to make it harder for people to vote?

17 MR. STRAMA: Representative Anchia, I'll
18 tell you, it's a price I'm willing to pay as a
19 policy-maker in the State of Texas that we invest in
20 providing law enforcement resources and making it a
21 priority to prosecute voter fraud. Now, I will say this.
22 The framework I've created in this amendment only --
23 because it has to be germane to this bill -- only is
24 applied to voter impersonation, a specific form of voter
25 fraud. But quite frankly, I would hope that if we create

1 this framework we could come back and expand that power so
2 that they are also investigating cases of voter
3 intimidation, voter suppression, trying to buy votes,
4 trying to tamper with the software on an electronic voting
5 device. There are a whole bunch of -- and the biggest
6 form of fraud, which is mail-in balloting fraud. All of
7 those things are to be a high priority for prosecutors in
8 the State of Texas. And if they are not making it a
9 priority, we have the power as the state legislature to
10 make it their priority.

11 MR. ANCHIA: So, if I'm hearing this
12 currently, the authors of this bill are screaming out that
13 voter impersonation is a problem. Your bill says enforce,
14 enforce, enforce. Prosecute those people that engage in
15 voter impersonation, and we're going to dedicate special
16 resources to make sure that that happens so that voter
17 impersonation is -- is definitely not a problem, that
18 there's none of it that would go on. And if it does go
19 on, it would be prosecuted vigorously?

20 MR. STRAMA: Anybody, Representative
21 Anchia, who shares your passion, my passion, and the
22 passion of the proponents of this bill for securing the
23 integrity of elections in this state should support this
24 amendment because integrity means not only preventing
25 fraud but ensuring access. One person, one vote is none

1 of us should be allowed to vote twice, but it is equally
2 important that none of us should be denied our legal right
3 to vote and this bill strikes that balance.

4 MR. ANCHIA: So, if you vote against your
5 amendment -- if someone were to vote against your
6 amendment, they are essentially voting not to enforce
7 against active voter impersonation; is that correct?

8 MR. STRAMA: I'm sorry. I was trying to
9 see if I was persuading him at all. I don't want to waste
10 the members' time.

11 MR. ANCHIA: So, in this case someone who
12 would vote against this amendment would essentially be
13 saying, no, we don't want to throw more resources at this
14 perceived problem, we don't want to enforce against the
15 law breakers. We would rather burden the 2 million Texans
16 and essentially disenfranchise millions of Texans. Rather
17 than throwing resources and dealing with this problem
18 head-on, we want to do it indirectly and jeopardize the
19 franchise for a majority of the people who are following
20 the law right now?

21 MR. STRAMA: That's how I would
22 characterize the choice, Representative Anchia. When
23 Representative Truitt had a concern about car theft, she
24 didn't require all drivers to invest in expensive GIS
25 technology to track down their car. She said, "Let's

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1 enforce and strengthen the laws against car theft. Let's
2 go after the law breakers." When we were concerned about
3 child sexual assault, we didn't make it illegal to have
4 children. We said, "We're going to go after the
5 violators" because that's the shortest distance between
6 two points and --

7 MR. ANCHIA: Okay. Thank you, Mr. Strama.

8 SPEAKER: Mr. Strama, do you yield to
9 Mr. Madden?

10 MR. STRAMA: I will yield to my colleague.

11 MR. MADDEN: First of all, it's obviously
12 good to see you, and you've done a lot of intelligent
13 things that you looked at, but I think it's fair to let
14 the members know what your first section of your amendment
15 does, and I believe it says "strike all below the enabling
16 clause" so that all that we've been debating for the last
17 six hours is struck by your amendment.

18 Is that the first thing you do?

19 MR. STRAMA: That's correct. I want to
20 make it clear to the members, that I regret that this
21 amendment couldn't have been the first amendment
22 considered today rather than the last. I pre-filed the
23 amendment last night. I had every intention of bringing
24 this to the body's attention at a very early stage in this
25 debate because I genuinely believe this is an area where

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1 we ought to be able to find common ground because I
2 genuinely believe that no member of this body sanctions or
3 condones voter fraud and that no member of this body
4 sanctions or condones anything that would reduce people's
5 access to the right to vote and the common ground that
6 preserves access to the franchise while eliminating voter
7 fraud to the best of our capabilities is to strike the
8 requirement for a photo ID of all law-abiding Texans and
9 instead prosecute the laws that are on the books.

10 MR. MADDEN: Obviously, honest people will
11 have different ideas on that. Because you asked the
12 question what price democracy, and I believe it's the
13 price of eternal vigilance that we have to have to protect
14 the most sacred right that our citizens have, isn't it?
15 That absolutely is the right to vote and to make sure that
16 you have one man, one vote, and that only those people who
17 are in fact entitled to vote in the system are those who
18 are allowed to vote. And we will disagree, I believe, on
19 the -- on the purpose and the ideas that Ms. Brown is
20 trying to say, very clearly, I believe, is she not, in her
21 legislation that she has here that says we only want those
22 people who are truly who they say they are on the list,
23 that they are truly, in fact, who they are and that they
24 have to show that they, in fact, can prove that they are
25 in fact that person and not someone who's making up or

1 using false identification.

2 MR. STRAMA: Mr. Madden, I believe -- I
3 take Representative Brown at her word that that is her
4 intention. And what I'm saying with this amendment is
5 that we can accomplish her intention without having the
6 unintended consequence of making it harder for law-abiding
7 Texans to vote. I genuinely believe we can do that.

8 MR. MADDEN: And despite the other
9 questions in the previous comment of what price, there is
10 a cost, obviously, to the State of Texas that's associated
11 and particularly to our counties that is associated with
12 your amendment.

13 Do you have any idea of what that dollar
14 figure is?

15 MR. STRAMA: I think it's the cost of
16 eternal vigilance.

17 MR. MADDEN: We would agree with that.

18 SPEAKER: -- raises a point of order the
19 gentleman's time is expired. The point of order is
20 well-taken and sustained.

21 Chair recognizes Ms. Brown.

22 MS. BROWN: Thank you, Mr. Speaker,
23 members. We have been here a long time --

24 SPEAKER: Chair recognizes Ms. Brown. I'm
25 sorry.

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1 MS. BROWN: As I said, we have been here a
2 long time. I hope that you'll stay with me on this and
3 realize that actually this is a substitute bill. It's not
4 really an amendment. This strikes most of the language in
5 my bill and starts over with another approach, a very,
6 very expensive approach.

7 So, I move to table this amendment and --

8 MR. STRAMA: Mr. Speaker? Will the lady
9 yield?

10 SPEAKER: Ms. Brown? The lady yields.

11 MR. STRAMA: Thank you for yielding. I
12 know it's been a long day, and I hope really wish we could
13 have had this discussion earlier in the day, but I just
14 want to remind you maybe and ask you to clarify a few
15 comments you made earlier in the day.

16 Didn't you say earlier in the day that
17 prosecuting election fraud has not been a high enough
18 priority for prosecutors in this state? Wasn't that one
19 of the reasons that you said you were unable to point to
20 any documented prosecutions of the type of voter fraud
21 this bill is intended to prevent?

22 MS. BROWN: I said we haven't placed that
23 high on our list of priorities because our DAs are busy
24 protecting us from robbers and murderers and so on.

25 MR. STRAMA: But you don't agree with them

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1 not making a high enough priority of prosecuting voter
2 fraud. That is what I inferred from your earlier
3 comments.

4 Did I misunderstand your opinion about
5 that?

6 MS. BROWN: I said we have to take a
7 different approach. We have to recognize the threat that
8 is to our system and, yes, prosecute -- hopefully with the
9 implementation of my bill they will stop much of the voter
10 fraud that's going on and people will be presenting their
11 photo IDs when they come to the poll places and that will
12 stop a lot of the fraud that's going on.

13 MR. STRAMA: Another question I have to
14 clarify something you said earlier in response to
15 Representative Hochberg's review of the evidence you
16 presented that this type of voter fraud is a problem, you
17 said that there were no documented cases after 2000 in
18 Harris County because Harris County stepped up its efforts
19 to enforce the law; is that correct?

20 MS. BROWN: Yes. They are a fine example
21 of what can be done, given enough manpower and money to be
22 able to do it.

23 MR. STRAMA: So, without implementing a
24 photo ID requirement at the polls, Harris County put an
25 end to this type of voter fraud simply by enforcing the

1 law against law breakers and without wrapping up
2 law-abiding Texans in the process?

3 MS. BROWN: No, they helped us make it
4 easier to find those or to prosecute the people who have
5 committed voter fraud. This was just another part of it.
6 Having good lists, good lists at the polls and continually
7 updating. It's not a perfect process, by any means.

8 MR. STRAMA: Didn't I hear you move to
9 table Representative Anchia's amendment that would have
10 improved the quality of the lists at the polls, and now
11 you're moving to table an amendment that would increase
12 the prosecution of voter fraud? How am I to believe what
13 you keep telling me, that this is a bill about reducing
14 voter fraud when you keep tabling amendments that would
15 attack voter fraud at its root?

16 MS. BROWN: I'm tabling your amendment,
17 Mr. Strama.

18 MR. STRAMA: The member will decide that, I
19 believe.

20 MS. BROWN: Pardon?

21 MR. STRAMA: The members will decide that,
22 I believe.

23 MS. BROWN: Excuse me. I move to table
24 your amendment, Mr. Strama, because it should not be
25 presented here as an amendment to begin with. It should

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1 have been taken to committee process and considered there
2 because it's not just an amendment. It totally replaces
3 my bill with a different approach, and I do move to table.

4 SPEAKER: Chair recognizes Mr. Strama to
5 close.

6 MR. STRAMA: Members, I just want to say
7 again that if you really want to prevent voter fraud,
8 you've had a number of opportunities to do so today.
9 Representative Anchia's amendment would have cleaned up
10 the voter lists. The best way to prevent anybody from
11 pretending to be somebody they are not at a polling place
12 is to get the dead word off the voter files. When there
13 aren't anymore dead people on the voter registration
14 lists. When all the people who have moved out of the
15 county are removed from the voter file, it makes it very
16 hard for anyone to pretend to be somebody they are not at
17 the polling place.

18 You could have had that amendment. You
19 moved to table. Now you've got an amendment that
20 addresses the second component of what Representative
21 Brown in her own argument has said is the best way to
22 reduce voter fraud. Prosecuting. And in Harris County
23 when they cracked down on voter fraud, they put an end to
24 it, by Representative Brown's own analysis.

25 I believe that's all you need to know. If

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1 you think there is one voter, Representative Madden, who
2 might be unintentionally disenfranchised by this bill, one
3 law-abiding Texan -- and I will tell you, I'm Not sure it
4 if's 2 million. I'm not sure if it's 500,000. Maybe it's
5 5,000. If there are 5,000 Texans who will be turned away
6 from the polls who ought to be allowed to vote, then this
7 bill goes too far. If there is a way to secure the
8 integrity of elections without doing that, I urge you to
9 vote against the motion to table.

10 SPEAKER: Members, Mr. Strama sends up an
11 amendment. Ms. Brown moves to table. All those in favor
12 vote aye. Those opposed, vote no. It's a record vote.
13 Clerk will ring the bell. Show Ms. Brown voting aye,
14 Mr. Strama voting no. Have all voted? There being 75
15 ayes, 67 nays, two persons not voting, the Strama
16 amendment is tabled.

17 Members, if anyone would like to speak for
18 or against, come on down front. Hold on, members. Is
19 there anyone that would like to speak against?
20 Mr. Anchia. Members, if you're going to speak against,
21 you need to come down so that when we recognize -- so that
22 when we recognize Ms. Brown to close there's not a
23 problem.

24 Chair recognizes Mr. Anchia.

25 MR. ANCHIA: Members, I'm going to be

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1 brief. It's been a long day. The debate has gone on
2 about six hours, and this is what we've learned. We have
3 learned that the authors of this bill have provided not
4 one shred of evidence of voter impersonation, which is the
5 type of voter fraud that this bill gets at. We have
6 learned that upwards of 2 million Texans may be
7 disenfranchised by this -- by this bill. We have learned
8 that the sense of this body is not to prosecute the
9 offenders and not to set up -- and devote resources to
10 engage in prosecuting voter impersonation.

11 So, let me tell you what I know it's not
12 about. This is clearly not about voter fraud. It's not
13 about voter impersonation. It's not about expanding the
14 franchise. It's not about protecting those that are least
15 vulnerable in our society, and it's not about making sure
16 that elections are more secure, and I'll tell you why.
17 I've been saving this wonderful nugget for you guys until
18 the end.

19 If you look at the list of documents that
20 you can offer up, it includes employee identification. No
21 matter how much training you do of poll workers, no matter
22 how much training you do of election judges and election
23 officials, it will be impossible for them to discern what
24 is a valid employment identification and what is an
25 invalid employment identification. Mr. Tolton probably

1 has an identification for his law firm. It would be
2 impossible for me to tell whether it was valid or invalid
3 or whether if (inaudible) face was on it was correct or
4 not. In fact, you can go down to Kinko's and have a bogus
5 little ID made and say you're an employee of whatever
6 organization you want to be for about \$5. In fact, this
7 bill, rather than increasing the integrity of elections,
8 makes sure that there's a huge loophole that you can drive
9 a train through to increase voter fraud if that was what
10 was crossing the mind of a particular person.

11 We know that there's no evidence of it, but
12 if this body wants to create an opportunity for voter
13 fraud, then vote for HB218. In fact, that Section 3 of
14 Part A of 218 creates a wonderful opportunity for people
15 at a low cost to be able to impersonate someone else by
16 saying that this is a valid employee ID and no poll
17 worker, no election worker, no election judge will be able
18 to discern a valid from an invalid ID. And furthermore,
19 there is another wonderful loophole in this bill that
20 creates a glaring weakness. It essentially allows vote by
21 mail to continue without photo identification. Vote by
22 mail that we know is the greatest source of voter fraud in
23 this state. In fact, all of the prosecutions by the
24 attorney general -- I shouldn't say all, but a great
25 majority occur with respect to vote by mail.

1 So, ladies and gentlemen, you have a pig on
2 your hands. It's an ugly bill. It creates more of an
3 opportunity for voter fraud than current law, and I will
4 tell you that if you vote for this without any
5 commensurate enforcement like what was offered up in
6 Representative Strama's bill, you are voting for a pig
7 with no lipstick and it's going to be nasty.

8 So, I urge you members of this body to
9 please vote against the loopholes that this bill creates,
10 vote against the opportunities for voter fraud that this
11 creates, and vote against HB218.

12 SPEAKER: Chair recognizes Mr. Burnam.

13 MR. BURNAM: Thank you, Mr. Speaker,
14 members. I want to thank Mr. Anchia for the leadership
15 role he's taken both on the elections committee and today,
16 and I'm only going to add a few words from my hometown
17 daily paper, the Star Telegram today, the opening
18 paragraph. "An insidious scheme to turn back the clock of
19 voting rights in Texas tragically has once again made its
20 way to the state House floor. The architects of this idea
21 pitched as a noble effort to prevent voter fraud cannot be
22 allowed to succeed with what is surely one of the greatest
23 assaults on the right to vote in this state since passage
24 of the federal Voting Rights Act in 1965. Racism is
25 racism. Xenophobia is xenophobia. It's too bad that

1 we're going to see it enacted on the House floor again.

2 SPEAKER: Chair recognizes Mr. Veasey.

3 MR. VEASEY: Mr. Speaker, members, thank
4 you very much, and I'll be very brief. I want to start
5 off by thanking some of the folks that have helped bring
6 attention to this voter ID or what I call voter supression
7 bill. First of all, I would like to thank the Baptist
8 General Convention of Texas. They put out a flyer today
9 asking members to please oppose this bill, and I think
10 that's significant because during the Civil Rights
11 movement back when we were going through a lot of these
12 issues that we're facing today -- don't be mistaken about
13 it -- this is a Civil Rights issue that we are debating
14 today. But back during the 60s, the black ministers and
15 everyone else that marched for freedom, that marched for
16 voting rights, rarely did any of the white pastors from
17 the south join in. And the fact the Baptist General
18 Convention joined in, it shows that we're making some
19 progress in this country on racial harmony.

20 Unfortunately, this bill sets us back. We
21 have heard absolutely no evidence of any voter
22 impersonation today, absolutely none. I think that
23 Representative Strama and Representative Anchia pointed
24 that out very eloquently. All of the amendments and
25 everything that Ms. Brown has offered you today is asking

1 you to vote for this bill based on generalizations and
2 based on stereotypes and based on things that are untrue.
3 There have been absolutely not one shred of evidence, and
4 we're voting for this bill today. It makes absolutely no
5 sense, and especially in light of what's going on right
6 now with the attorney general in the State of Texas. They
7 were trying to force U.S. attorneys to say that there was
8 voting fraud going on in their respective districts, in
9 their respective states so they could produce convictions
10 that would prove voter impersonation. The panel -- the
11 U.S. panel that looked into this found none. They had to
12 help doctor some of the findings in order to make their
13 findings more compelling, and I think that if -- that
14 instead of 15 or 20 years from now because, you know, when
15 we look down the road, this is going to be embarrassing
16 that we even voted for this. People think that it's the
17 popular thing to do, but it's the wrong way that our state
18 is heading and I'm going to ask you -- and I know that the
19 amendments haven't been going favorably, but I'm going to
20 ask everybody here today to do the right thing and vote no
21 on this bill.

22 SPEAKER: Ms. Thompson, do you have a
23 question?

24 MS. THOMPSON: I request that all of the
25 comments, both pro and con, for House Bill 218 would be

1 reduced to writing and placed in the journal.

2 SPEAKER: Members, you've heard the motion.
3 Is there objection? Chair hears none. Mr. Castro? Chair
4 recognizes Mr. Castro.

5 MR. CASTRO: Mr. Speaker, members, the bill
6 that we have in front of us is a perversion of our
7 American democracy for several reasons. The first thing
8 is that it makes it too hard for honest people to go to
9 the polls and vote, and it makes it too easy for dishonest
10 people to cheat and find a way to vote. The list of
11 exceptions that are added to this bill, whether it's the
12 one that Ralph Anchia pointed out, valid ID from a
13 business, or even a student ID that could be falsified, a
14 bill sent to a home that could easily be falsified, all of
15 those additions actually make it easier for somebody to go
16 out and commit the kind of fraud that we're trying to
17 protect against today. And yet it's the people who are
18 actually honest who suffer. It's ironic that we heard
19 many of the arguments that we heard today. For instance,
20 when we talk about the second amendment and the right to
21 bear arms, we often hear the argument that we shouldn't
22 punish those who rightfully bear arms to go after the few
23 who would get those guns illegally anyway. That
24 philosophy predominates this legislature, but for some
25 reason that philosophy was missing in a discussion of this

1 bill today.

2 Earlier in the session, earlier today, I
3 handed out a listing of where Texas ranks as of 2002 in
4 terms of voter turnout. We're about five or six months
5 removed from our November races when everybody went out
6 and campaigned, knocked on doors, put up signs, worked the
7 polls on election day. You will remember the intensity
8 with which you tried to get people to vote. And all of
9 that effort, all of that energy, and in 2002 we ranked
10 second to last in the nation in the number of people who
11 come out to vote as compared to our voting age population.
12 There's no question today that this piece of legislation
13 will drive our numbers down even further and then in a few
14 years I wouldn't be surprised if we ranked dead last in
15 the nation in voter turnout. We rank second in terms of
16 population in the United States, second only to
17 California. We rank fourth in voter turnout behind the
18 states of New York and Florida.

19 We also heard a lot about fiscal notes.
20 We're passing this bill despite the fact that it has a
21 fiscal note. We defeated amendments because they had
22 fiscal notes. And although money is one way to measure
23 loss and a very popular one, it's not the only way and I
24 can't help but think that there is a democracy note here
25 and that the cost to our democracy is even greater than

1 the fiscal cost to our state.

2 SPEAKER: Is there anyone else that is
3 would like to speak against? The chair recognizes
4 Mr. Macias.

5 MR. MACIAS: Thank you, Mr. Speaker and
6 members. First, I would like to thank Representative
7 Brown for bringing this bill to the floor. Could the
8 reason be that we don't have the ongoing voter
9 impersonation investigation be that we don't have a system
10 that requires voter identity verification? I believe
11 House Bill 218 will be that tool that detects and deters
12 voter impersonation. But even more than that, it will --
13 it will preserve and protect our most basic right to vote
14 and give us the confidence that those who turn out to vote
15 are, in fact, qualified voters.

16 The goal of the bill is to bring the
17 highest integrity possible to our most precious and basic
18 right to vote, and I just encourage us to vote yes on this
19 bill.

20 SPEAKER: Is there anyone else? Chair
21 recognizes Ms. Brown to close.

22 MS. BROWN: Thank you, Mr. Speaker,
23 members. Thank you for staying with us all afternoon and
24 into the evening, and thank you for all of you who
25 believed in this bill and helped with it, to improve it,

1 especially to former Representative Mary Denny who paved
2 the way for us last session. I am not going to waste a
3 lot of your time because I think we've all made up our
4 minds if we're going to support this bill or not, but I
5 will remind you that there's been a lot of accusations or
6 I should say claims made about it that I believe in my
7 heart are not true. The Supreme Court has upheld the fact
8 that this is not a poll tax that we are instituting by
9 requiring the people, that they merely prove who they say
10 they are when they come in to vote. And I think all that
11 needs to be said now is just to close with a statement
12 from the U.S. Supreme Court.

13 SPEAKER: Mr. Dunnam, for what purpose?

14 MR. DUNNAM: Will the lady yield for
15 questions?

16 SPEAKER: Ms. Brown, do you yield?

17 MS. BROWN: I really think that we have
18 questioned all afternoon and everyone has decided how they
19 are going to vote.

20 MR. DUNNAM: I just have one question.
21 You're the author of the bill. I would like to ask one
22 bill.

23 MS. BROWN: All right. I yield.

24 MR. DUNNAM: Under your bill without my
25 voter registration card but with five photo IDs, will my

1 vote count? Without my voter registration card but with
2 five photo IDs, will I get to vote?

3 MS. BROWN: One photo ID will be entirely
4 sufficient, so long as you are on the voter registration
5 roll.

6 MR. DUNNAM: Are you saying that if I have
7 my photo -- if I do not have my voter registration card
8 that I don't get a provisional ballot?

9 MS. BROWN: You do get a provisional
10 ballot.

11 MR. DUNNAM: So, if I show up without a
12 voter registration card but with five government photo
13 IDs, I will get a provisional ballot?

14 MS. BROWN: You will have a provisional
15 ballot because you need to bring your voter registration
16 card with you.

17 MR. DUNNAM: And my vote won't count?

18 MS. BROWN: It will be a provisional
19 ballot. Let me just read this one quote from the U.S.
20 Supreme Court decision. "Recognize the merits of photo
21 identification for voting. In removing an injunction
22 against Arizona's photo identification law, the U.S.
23 Supreme Court pro-curium opinion reads: Confidence in the
24 integrity of our electoral processes is essential to the
25 functioning of our participatory democracy. Voter fraud

1 drives honest citizens out of the Democratic process and
2 breeds distrust of our government. Voters who fear their
3 legitimate votes will be outweighed by fraudulent ones
4 will feel disenfranchised."

5 So, members, we want to increase the
6 integrity of the process and thereby increase voters'
7 confidence in the integrity of the process and there will
8 be more participation. Thank you, members. I move
9 passage.

10 SPEAKER: Members, the question occurs on
11 the passage engrossment of House Bill 218 vote no. All
12 those in favor vote aye. All opposed, vote no. It's a
13 record vote. The clerk will ring the bell. Show
14 Ms. Brown voting aye. Members, Mr. (inaudible) who is
15 present would vote -- would vote yes, with Mr. (inaudible)
16 absent would vote no. And show Mr. Kirk England who is
17 present and would vote yes with Mr. Puente, who is absent
18 voting no. Have all voted? There being 76 ayes, 68 nays,
19 three present not voting, House Bill 218 has passed
20 engrossment.

21 (End of session.)
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23
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25

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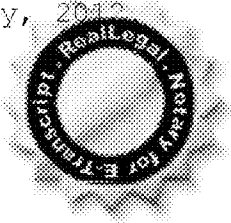
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